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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/849,849 | 05/04/2001 | Bernhard Klein | 01740726 | 9828 |
| 26565 | 7590 | 11/03/2004 | EXAMINER | |
| MAYER, BROWN, ROWE & MAW LLP 190 SOUTH LASALLE ST CHICAGO, IL 60603-3441 | | | PATEL, NITIN C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2116 | |

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|-----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/849,849 | KLEIN, BERNHARD |
| | Examiner | Art Unit |
| | Nitin C. Patel | 2116 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

1. This is in responsive to RCE filed on September 21, 2004.
2. Claims 1 – 16 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 16 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Myr, US Patent 6,480,783 B1.

5. As to claims 1, and 9, Myr discloses a system and method for real time vehicle guidance comprising:

- a. a user I/O interface [405, for input, 404, Display for output] on the vehicle;
- b. a means [402, GPS unit] for providing position information [location] on the vehicle;
- c. a means [403, processor] for determining route information which receives a set of interval point [SP start point, DP destination point] requests from a user [operator] and timing information [time and duration, col. 4, lines 57 - 65, col.10, lines 8 - 11] associated with corresponding interval point [SP, DP] requests from the user [operator] via the user I/O interface [405], the timing information including the desired time [shortest travel time] to arrive at each of the interval point requests, and further wherein said route information is based on dynamic [real-

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time] traffic condition information received by the system [col. 2, lines 50 – 51, col. 3, lines 20 – 63, col. 4, lines 49 – 65, col. 5, lines 15 – 67, col. 6, lines 1 – 67, col. 7, lines 1 – 23, col. 9, lines 14 – 38 47 - 67, col. 10, lines 1 – 11, fig. 2 – 4].

6. As to claims 2, and 10, Myr discloses means [client mobile unit, CMU] and method for determining route information provides [displays] at least proposed [updated] route, which may be accepted or rejected [override] by a user [col. 7, lines 9 – 24, fig. 9].

7. As to claims 3, and 11, Myr discloses means [CMU] and method for determining route information provides a plurality of proposed routes arranged according to a priority [shortest time, shortest time][col. 7, lines 9 – 24, fig. 9].

8. As to claims 4, and 12, Myr discloses a means [CMU] and method for automatically determining a failure to maintain a route schedule [because of updated traffic information] and thereafter automatically replanning [updating] at least one route [path] [col. 6, lines 36 – 67, col. 7, lines 1 – 23].

9. As to claims 5, and 13 Myr discloses means [CMU] for replanning a route [alternate route] automatically [by algorithm for processing user request] in response to user rejection of route information while following a route between the interval points [col. 7, lines 3 – 23, col. 9, lines 14 - 46].

10. As to claims 6, and 14, Myr discloses means for accepting user amendments [override preferences] of system generated route information while following a route between the interval points [col. 9, lines 14 - 46].

11. As to claims 7, and 15, Myr discloses the means [audio unit] for accepting input to the system via voice [verbal] commands [col. 4, lines 57 – 65].

12. As to claims 8, and 16, Myr discloses a means for receiving broadcast messages from transmitter and used for calculating route information [col. 1, lines 8 – 14, col. 5, lines 26 – 32].
13. Applicant's arguments with respect to claims 1 - 16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
October 21, 2004


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3000 2100